S.B.CIVIL SECOND APPEAL NO.103/2003

14.11.2007

HON'BLE MR. JUSTICE DALIP SINGH

Shri Sanjay Mehrishi, for the appellant.
Shri R.P. Vijay, for the respondent.

Learned counsel for the parties submit that they would advise the plaintiff Meratwal Samaj as well as the defendant Pujari to get the temple of Shri Banke Behari Nathji situated at Manoharthana, District Jhalawar registered as a public trust by filing an application under
Section 18 of the Rajasthan Pubic Trust Act, 1959 as the present suit has been filed by the Meratwal Samaj which is not a body corporate or juristic person which is capable of suing or being sued nor has this suit been filed in a representative capacity after obtaining the leave of the court under order 1 rule 8 CPC.

Learned counsel for the respondent Pujari also submits that as has been held by the learned lower appellate court the Pujaris have also not raised the disputed construction for their own interest but for the best interest to the temple, which is a public temple in which of the Pujaris have a common interest with the darshanarthis and the fund and revenue which is liable to accrue shall be use for benefit of Temple/Deity, in its Sewa Puja and management and maintenance.

I do not find any substantial question of

law in this appeal. This appeal is consequently dismissed. In view of whathas been stated at bar the parties are at liberty to approach the Assistant Commissioner, Devsthan for registration of the trust in accordance with the provisions of the Act and rules.

(DALIP SINGH),J.

Ramchandrkhatri,PS